

Ms. Retha Dixon, Docket Manager
Office of General Counsel
Federal Elections Commission
999 E Street, N.W.
Washington, DC 20463
Ph. 202-694-1650

October 22, 2008

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

2008 OCT 27 A 11:42

Dear Ms. Dixon:

MUR#

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This is in response to your letter of October 15, 2008, and the enclosed "Filing a Complaint" brochure. Thank you for the guidance. This letter is my refined complaint. Unfortunately, your letter carried two errors which might impact your complaint-timing schedule. My letter was dated October 12, 2008, not October 7, 2008. Accordingly, I presume it arrived in your office sometime after October 12th, not on October 7th.

REFINED COMPLAINT

In brief: The WOSU Public Media and the Columbus Metropolitan Club, neither of which is registered with the Federal Elections Commission (FEC) as a political action committee (PAC), have cosponsored a public forum for candidates in the 15th Congressional District of Ohio. These two institutions knowingly excluded Mark Noble, one of the four on-the-ballot candidates from the event. Thus, they functioned as political action groups. Mark Michael Noble, Libertarian Party of Ohio, is listed on the Franklin County Board of Elections web site as a qualified candidate in the 15th Congressional District. The URL of the Board of Elections is: www.Vote.FranklinCountyOhio.gov.

In detail: Reference is made to my letter of October 12, 2008 and an attached letter of October 8, 2008 letter from WOSU. The October 12, 2008 letter was my first attempt at filing a complaint with the Federal Elections Commission (FEC). The stated opinions and reported facts in that letter are still valid.

ATTACHMENT A is one copy of my October 12, 2008 letter for background information. ATTACHMENT A has a copy of the WOSU policy guideline.

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ATTACHMENT B is a printout of a 2008-10-17 posting on the WOSU web site. The posting is titled "15th Congressional District candidates debate economy, negative ads". This printout shows that the candidate debate did take place, and that candidate Mark Noble was not present. This happened in spite of a request from Mark Noble and a "heads up" letter (10/12/08) from the undersigned to the cosponsors. (During a prior telephone conversation with Mr. Noble, he mentioned that he tried to obtain an invitation to join the TV debate.) At the bottom of the printout the cosponsors of the debate are listed as the Columbus Metropolitan Club and WOSU.

A possible contact for information concerning the Columbus Metropolitan Club is:

Ms. Jane Scott
Columbus Metropolitan Club
100 East Broad St.
Columbus, OH 43215
Ph. 614-464-3220.

A possible contact for information concerning the WOSU Public Media is:

Mr. Tom Rieland
WOSU Public Media
2400 Olentangy River Road
Columbus, OH 43210-1027
Ph. 614-292-9678

ATTACHMENT C gives contact information for the four candidates in the 15th Ohio Congressional District.

ATTACHMENT D is a copy of Page 3 of the Voter Information Bulletin (VIB) put out by the League of Women Voters of Metropolitan Columbus for the November 2008 election. All four 15th Ohio Congressional District candidates are treated equally. The full VIB may be seen on web site www.lwvcols.org. The local League of Women voters chapter is a trusted source for political-neutral voter information. The League does not operate like a PAC.

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Specific Complaint #1

Recent events have shown that the actions of the cosponsors of the WOSU-TV program that was aired on Thursday, October 16th at 8:00 pm did give preferential exposure to three of the four candidates running for the House of Representatives in the 15th Congressional District. Whatever vote-receiving advantage the three candidates had over Mark Noble, it was undoubtedly enhanced by the TV debate because undecided voters did not learn of Mark Noble's candidacy. A search of the FEC web site showed that neither cosponsor is registered as a PAC. I believe they should be required to do so and then be expected to file the required forms with the FEC.

Specific Complaint #2

It is my understanding that candidates who receive independent campaign help from outside groups should list that help on their campaign finance forms. If so, the finance forms from the three "debating" candidates should reflect the help they received from the cosponsors. Contact information for the candidates is provided in ATTACHMENT C that the FEC may double-check their expense reports.

Sincerely,

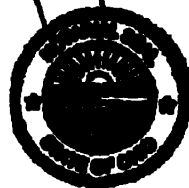
Bill Buckel

Bill Buckel

Columbus, OH 43212

Subscribed and sworn to before
me on this 22nd day of October, 2008

John M. W.



John M. W.
Notary Public, State of Ohio
My Commission Expires 10/22/2011

Attached:

- A. One copy of complainant's October 12, 2008 letter.
- B. Printout from the WOSU web site.
- C. Contact information for candidates.
- D. Voter Information Bulletin.

Enc.: Three copies of this communication

29044250158

Complaint against WOSU - Page 1

Office of General Counsel
Federal Elections Commission
999 E Street, N.W.
Washington, DC 20463

October 12, 2008

Dear Sir:

This is a complaint against an election-related policy adopted by Mr. Tom Rieland, General Manager of the WOSU Public Media Corporation. WOSU-TV is located on Channel 34 in the Columbus, Ohio area. This complaint is prompted by the fact that Mr. Mark Noble, one of four on-ballot candidates for the office of Representative in the 15th Congressional District, is being excluded from participating in a debate (or interview) along with the other three candidates. The TV program is to be aired on Thursday, October 16th at 8:00 pm.

A copy of the policy in dispute is contained in an enclosed letter sent from Paula J. May to Bill Buckel dated October 8, 2008. Contact information is given on the enclosed copy of Ms. May's letter. My counterpoints to the stated policy follow.

Counterpoints

● This complainant is a registered voter in Franklin County, Ohio where the WOSU Public Media Corporation is located. As a voter, I typically vote for (or against) a candidate based on the person's position on issues of interest to me. How many other citizens "support" a candidate is seldom a significant factor in my deciding the ballot I cast. The WOSU policy is designed to deprive me (and other issue-oriented voters) of critical decision-making information. It is a form of election rigging. Thus, the policy is essentially an attack on my free-speech rights as a listener.

● At both the State and Federal level my taxes support elected legislators who's job it is to decide what a citizen must do to qualify as a candidate for an elective public office. This responsibility has not been delegated to managers of corporations.

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Complaint against WOSU - Page 2

● However, if the officers of a corporation wish to promote the exposure of selected candidates, these officers have the same rights as any other citizen to create an organization that is registered as a "political action committee". Or, the corporate officers could lobby legislators to change the laws governing the qualification to becoming a candidate for elective office.

● The press has a public trust, not a legal requirement, to promote pre-election dialog on issues of the day. Some civic organizations, Common Cause for example, devote resources to reducing the influence of "special-interest money" in the election process. With enough money, any candidate can buy the debate requirements of the WOSU policy. I donate annually to WOSU because it provides a useful public service and good entertainment. The downside of the WOSU policy is: (a) it reduces the diversity of the ideas injected into the pre-election dialog, (b) it reinforces the influence of special-interest money in public elections, and (c) it does not provide a useful public service.

Sincerely,

Bill Buckel

Bill Buckel

Columbus, OH 43212

Enc. Copy of October 8, 2008 letter
Three copies of this communication

cc: Tom Rieland/Paula May - WOSU
15th Congressional candidates
Columbus Metropolitan Club
Common Cause - Ohio

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ATTACHMENT B

WOSU News

print this page

15th Congressional District candidates debate economy, negative ads

Mandie Trimble

COLUMBUS, OH (2008-10-17) Republican Steve Stivers, Democrat Mary Jo Kilroy and Independent Don Elijah Eckhart met up for a debate at WOSU at COSI. The three candidates vying for Ohio's 15th Congressional District seat threw very few proverbial punches.

Debate topics ran the gamut, from the recent economic bailout bill to the energy crisis to negative campaigning.

Democrat Mary Jo Kilroy is in her second run for Capitol Hill. She narrowly lost to Republican incumbent Deborah Pryce in 2006. Kilroy, a Franklin County Commissioner, said she would have voted for the bailout bill.

"We need to move in quickly to eliminate and put more oversight and more regulation so the risky behaviors on Wall Street and the banking industry that has brought us to this crisis come to an end," Kilroy said.

Republican Steve Stivers, a state senator and an Iraq war veteran, said he had serious concerns about the bailout bill and never said if he would have voted for it. He offered other ideas to fix the economy.

"I think we have to get this economy back on track, and jobs and economic development are our first priority. That starts with making sure we focus on innovation, retool our workforce development programs," he said.

Independent candidate Don Elijah Eckhart, who said he would not have supported the bailout bill, said he wanted to balance the Federal budget.

All three candidates said they support energy independence, but they had different ideas about how to achieve it.

Stivers wants to invest \$110 billion over ten years in renewable energy research. And he said he would pay for it with mineral rights from off-shore drilling. But he also supports auto manufacturing reform.

"We need to encourage our domestic automobile manufacturers in fact require them to raise the mile per gallon standard," Stivers said.

Kilroy said Americans will start taking a proactive approach to the energy crisis when government shows them, for example, choosing a fuel-efficient car over an SUV makes more sense.

"We give those tax credits for purchasing a fuel-efficient vehicle. And we work with employers and parking lots so people can use their plug in hybrid," she said.

Eckhart said solar and wind power have more potential to solve the nation's energy problems. And he supports clean coal technology.

"We want to make use of all kinds of clean energy technologies. And we need to promote those with a good level of research and development to make that happen," Eckhart said.

And the candidates addressed the ones plaguing the 15th district. Those against Stivers say he's a former bank lobbyist beholden to banking interests, and say he opposed predatory lending reform. Ads against Kilroy criticize her decisions as a county commissioner, specifically accepting union contracts that were not the lowest bid.

Kilroy defended the decision to hire union workers for the new Huntington ball park even though they were not the cheapest.

"The companies in question broke Ohio law, and didn't disclose that as they were requested to on their application, lied on their application, and so we moved on to the next lowest bidder," she said.

Stivers, who worked at Bank One for seven years, touted the number of jobs he helped create while he was there. Stivers defended vote against a state predatory lending bill.

"The only enforcement mechanism was to let people sue and so what happens is when you get sued you can victimize 20, 30, 40 or 50 more people while you're being sued so it really was not the right approach," Stivers said.

The Columbus Metropolitan Club and WOSU sponsored debate.

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ATTACHMENT C

**Contact Information for the
15th Ohio Congressional District candidates
November election - 2008**

**Don Eckhart
6445 Johnson Road
Galloway, OH 43119
Ph. 614-878-5416**

**Mary Jo Kilroy
3100 Midgard Road
Columbus, OH 43202
Ph. 614-263-5663**

**Mark Noble
723 Springs Drive
Columbus, OH 43214
Ph. 614-893-6275**

**Steve Stivers
372 W. Second Ave.
Columbus, OH 43201
Ph. 614-294-5565**

29044250162

2TH DISTRICT

(vote for no more than one)

AVI ROBINSON, DEMOCRAT

16 Summit St., Columbus, 43215
Email: mail@robinson2008.com
Website: www.Robinson2008.com
Education: Ph.D., Theology & psychology, Emory University; M.A., Chicago Theological Seminary; A. Honors Accounting, Ohio State University
Occupation: Vice President, Marcy Enterprises, a local family-owned manufacturing firm
Qualifications for Office: I am a successful small businessman and an entrepreneur. I have the experience, initiative, and the desire to reform the business of government.

Question 1: We need to set an ambitious goal of achieving complete energy independence by 2030. We will localize our energy production, open the market for consumers, and provide sufficient funding for alternative energy sources to achieve cost of cost. We must raise vehicle mileage standards today, and fully and efforts to find the innovations and bold solutions for tomorrow. To prepare ourselves, we need an educated workforce, one that is skilled in science, technology, engineering and mathematics, one that is ready to accept the challenges of a clean-energy economy.

Question 2: Ohio has lost 200,000 manufacturing jobs this decade. We have a proud history of manufacturing in this state, and I believe that instead of transitioning into different areas, we must embrace that tradition. We can become the leaders of next-generation manufacturing, but there are steps we must take to get there. We need a substantial investment in our national infrastructure, especially our roads, rails, and ports. Additionally, we must renegotiate our trade pacts so that we can protect American jobs and achieve fair trade, not just free trade. Finally, we must reduce barriers to small businesses by cutting red tape.

BRY TIBERI, REPUBLICAN

430 Mahogany Drive, Galena, 43021
Email: ben.kanagy@pttiberi.com
Website: www.tiberi.com
Education: The Ohio State University, BA

Occupation: U.S. Representative, 12th Congressional District
Qualifications for Office: I have a proven record of working to solve problems for Central Ohioans. I will continue to work to keep taxes low and cut waste, making our government more accountable to constituents.

Question 1: I would like to see us attack our energy problem in a balanced manner, on as broad a front as possible. I believe in an "all of the above" approach, including increasing our domestic energy production and energy efficiency. We must end the current bans on exploration for oil and natural gas. We must work to develop renewable energy including nuclear, wind, solar

and biofuels. I have voted to do this and for energy efficiency measures, such as increasing automobile fuel efficiency standards. There is an "silver bullet" solution - all of the above - is the right approach.

Question 2: It is essential that we keep taxes low and rein in excess spending. These actions will help create a pro-growth environment where businesses of all types, including the small businesses and entrepreneurs, can thrive. We should also simplify the tax code so it better reflects our values and restores fairness to all businesses. These steps will make help to grow our economy by making our businesses more competitive at home and abroad.

STEVEN E. LINNABARY, LIBERTARIAN

2728 Christine Blvd., Columbus, 43231
Email: steve@linnabary.us
Website: www.linnabary.us
Education: Walnut Ridge High School; University of Kentucky
Occupation: Project Representative with Resource International
Qualifications for Office: Community activist who helped start St. John's Community Kitchen, Friends of the Homeless Shelter and the Ark House, a community home for the developmentally disabled; former board member of the Community Family Health Center (included the Free Clinic)

Question 1: I say that the reliance on the government to devise a policy is a fallacy. I would advocate that the free market take care of that. The government shouldn't be directing research and development because they are bound and determined to always misdirect money to political cronies. The government ends up subsidizing things like the corn industry to develop ethanol and it turns out that it's not economically feasible. So, my answer is to let the market work. Let supply and demand make the decision. Let prices make the decision. That is completely different than the bureaucratic and cronyism approach.

Question 2: I believe in lower taxes, constitutionally limited government, personal freedom and a belief in sound money. 1. Taxes: Reduce the tax burden and eliminate taxes that punish investment and savings. 2. Spending: Eliminate wasteful spending. Reduce overseas commitments. Freeze all non-defense, non-entitlement spending at current levels. 3. Monetary Policy: Expand openness at the Federal Reserve and require the Fed to televise its meetings. Return value to our money by adopting a gold standard. 4. Regulatory Reform: Repeal regulations that push companies to seek capital outside of US markets. Stop restricting community banks from fostering local economic growth.

10TH DISTRICT

(vote for no more than one)

MARY JO KILROY, DEMOCRAT

3100 Midgard Rd., Columbus, 43202

Email: info@kilroyforcongress.com
Website: www.kilroyforcongress.com
Education: Cleveland State University, BA; Ohio State University, JD
Occupation: Franklin County Commissioner

Qualifications for Office: I have served the people of Franklin County for nearly 16 years, first as a Columbus City School Board member, and then as a Franklin County Commissioner, where I have served since 2001. I have a proven record of (over word limit) Question 1: First, I think we need to drill more. Oil companies already hold leases on 60 million acres of federal land and should use these leases or lose them. But, we also need bold action to solve the energy crisis, like setting a goal that by 2020 every automobile built in America will use alternative fuel and investing in the electric grid to harness the power of the sun and wind. We can use tax credits to help businesses and homeowners "go green." It is only through innovation and conservation that we will solve our energy crisis.

Question 2: We need to invest in America. From rebuilding roads, bridges and rail, to new industries like solar panels, wind turbines, fuel cells and biomass. We need to invest in our research universities. We need a tax policy that encourages companies to stay here instead of rewarding those who move offshore. We need a world class education system and assistance to help pay for college tuition, investing in America's greatest asset, our people.

STEVE STIVERS, REPUBLICAN

372 W Second Avenue, Columbus, 43201

Email: info@stivers4congress.com
Website: www.stivers4congress.com
Education: MBA from The Ohio State University (1996); BA in Economics and International Relations from The Ohio State University (1989)
Occupation: Ohio State Senator, 16th District

Qualifications for Office: Served as State Senator for 16th District since 2003; 10 years private sector experience; 23 years in Ohio Army National Guard, current rank of Lieutenant Colonel

Question 1: I've released a plan that would provide not only short term energy solutions, but also offer long term energy independence. I have called for increased domestic drilling, and using the profits from the sale of the mineral rights to fund a \$100 billion/10 year investment in advanced energy research. The sale of mineral rights would provide the revenue to pay for this investment without raising taxes. Also, I have called for raising the MPG standards for all automobiles, closing the "foreign markets loophole" to punish speculators, and creating a national gas formulation standard to reduce strains on refining capacity.

Question 2: Creating good jobs and improving the economy is the top issue for voters this year. My plan focuses on five points: Reforming Government to make it more efficient, and repairing our transportation

ATTACHMENT D

infr. credit and creating public-private business incubators; Streamlining Workforce Development programs to teach workers the skills they need in our current economy; Enhancing Worker Security by providing tax cuts, offering incentives to middle-class families for savings, and providing for health insurance between jobs; and Creating Energy Independence to end our dependence on foreign oil and develop clean, renewable energies.

DON ELLIAN ECKHART, INDEPENDENT

6445 Johnson Rd, Galloway, 43119
Email: eckhartforcongress@yahoo.com

Website: EckhartForCongress.org
Education: Master's degree- Public Administration; BA- Economics, Political Science.

Occupation: Coordinated fiscal analysis for the Ohio Legislature; national Legislative Staff Achievement Awards: Instructor- Budgeting, Policy Analysis, Ethics and Integrity. Qualifications for Office: Honest, analytical, concerned about people. I believe government should not be "For Sale" by politicians who give favors and receive lobbyists' campaign contributions.

Question 1: America must become independent of foreign oil. This is an economic, environmental, and national security issue. Achieving energy independence should draw on the nation's best scientific research for clean energy technologies. Energy policy should utilize the free market, with safeguards against pollution and political payoffs. Environmentally safe drilling could be expanded. We should use available resources sensibly. Coal is one of America's most abundant resources, and advances have been made in nuclear technology. Conservation and recycling should be practiced. Alternative energy sources, such as wind and solar, should be encouraged. I drive a hybrid and see potential in electric cars.

Question 2: Our nation is in debt. To make sound economic decisions, we must fix our broken political system. Congress is floundering. Sadly, government has become "of the lobbyists, by the politicians, for the money." Lobbyists give politicians campaign contributions; politicians return favors at our expense. I will bring 30 years of budgeting experience to Congress to balance the federal budget without raising taxes. To reverse our trade deficit, we must require other countries to have equivalent product quality and environmental standards. High-priced corporate executives send jobs overseas without concern for American families. Such greed should have no place in America.

MARK MICHAEL NOBLE, LIBERTARIAN

723 Springs Dr., Columbus, 43214
Email: info@voteformoble.com
Website: http://www.voteformoble.com
Education: BS in Electrical and